

ARTICLE I Stormwater Management [Adopted 11-16-1992 by Ord. No. 92-08 (Art.1116 of the 1960 Code)]

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ARTICLE II, Erosion and Sediment Control [Adopted 11-16-1992 by Ord. No. 92-08 (Art. 11 18 of the 1960 Code)]

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§ 170-1. Purpose.

The purpose of this article is to promote the public health, safety and welfare by minimizing the damages that can occur when accelerated stormwater runoff is not adequately managed by provisions designed to:

- **A.** Control accelerated runoff and associated problems at their source by regulating activities which cause such problems.
- **B.** Utilize and preserve the desirable existing natural drainage systems.
- **C.** Encourage groundwater recharge.
- **D.** Maintain the existing flows and quality of streams and watercourses in the township.
- **E.** Preserve and restore the flood-carrying capacity of streams.
- **F.** Provide for proper maintenance of all permanent stormwater management facilities and structures which are constructed in the township.

§ 170-2. Authority.

The township is empowered to regulate these activities by the authority of the Act of October 4, 1978, P.L. 864 (Act 167), the Storm Water Management Act, and by the Act of 1968, P.L. 805 (Act 247), the Municipalities Planning Code, reenacted and amended December 21, 1988 by Act of 1988, P.L. 1329, No. 170.

§ 170-3. Applicability.

- **A.** This article shall apply only to permanent stormwater management facilities constructed in compliance with this article as part of any of the activities listed in this section. Erosion and sedimentation control during construction involved with any of these activities is not regulated by this article, but shall continue to be regulated under applicable existing laws and ordinances.
- **B.** This article sets forth standards and criteria necessary to best manage accelerated stormwater runoff.
- **C.** The following activities shall be defined as regulated activities and shall be regulated by this article. This applies to all activities with the exception of those activities that are granted a waiver in accordance with § 170-7B(10).
 1. Land development.
 2. Subdivision.
 3. Earthmoving.
 4. Construction of new or additional impervious surface of area.
 5. Construction of new buildings or additions to existing buildings.
 6. Diversion or piping of any natural or man-made stream channel.
 7. Installation of stormwater systems or appurtenances thereto.
 8. Mining operations.
 9. Nursery, forest or agricultural operations.
 10. Other activities which would cause an increase in stormwater runoff.

§ 170-4. Definitions.

Definitions of terms used in this article may be found in Chapter 203, Zoning and Land Use.

§ 170-5. General requirements.

- **A.** For any activities regulated by this article, a stormwater control plan shall be submitted to the township for review. This plan shall be approved prior to the approval of preliminary subdivision or land development plans, issuance of any permit or the beginning of any earth disturbance activities. The plan shall conform to the requirements of §§ 170-6, 170-7, 170-8, 170-9 and 170-10 of this article.
- **B.** If earth disturbance, construction, building or any other activities regulated by this article are to be performed by any individual, firm, contractor or other entity other than that which submitted the stormwater management plan, such entity shall, by signature, acknowledge awareness of the plan requirements prior to commencement of the regulated activity.
- **C.** All natural streams, channels, swales, drainage systems and surface water concentrations shall be maintained in their existing condition unless an alteration is approved by the township. All encroachment activity shall comply with the requirements of Chapter 105 (Water Obstructions and Encroachments) of Title 25, Rules and Regulations of the Pennsylvania Department of Environmental Protection. All activities shall comply with Chapter 105, Wetland Permitting Procedures. Any detention basin intended to meet the requirements of this article that constitute stream enclosures, as described in Chapter 105, or which require a dam safety permit shall be designed in accordance with Chapter 105 and will require a DEP permit. Any facility located within a Pennsylvania Department of Transportation right-of-way must meet the Department's minimum design standards and permit submission requirements.
- **D.** Although there are no stormwater control methods restricted from or required for use, the following considerations apply to the selection and use of any method:
 1. The township may approve or disapprove chosen methods based on geologic, topographic, hydrologic, soil, aesthetic, safety, health or other considerations.
 2. The following is a list of methods which may be used for stormwater control. The choice of control method is not limited to these methods, and any method selected should be carefully suited to the requirements of the project and the characteristics of the site.
 - **(a)** Detention basins.
 - **(b)** Rooftop storage.
 - **(c)** Infiltration structures.
 - **(d)** Grassed channels.
 - **(e)** Underground storage.
 - **(f)** Cisterns.

- **E.** The use of volume controls, as opposed to rate controls, is encouraged and recommended wherever volume controls are feasible. Volume controls perform several important functions, including:
 1. Preservation of the natural hydrologic regime of the basin, such as maintenance of the natural base flows of streams.
 2. Facilitation of groundwater recharge.
 3. Reducing peak flows and thus reducing the capacity for erosion and the severity of flooding.
 4. A reduction in the size and cost of collection and retention systems and other rate controls.
 5. A reduction in the amount of pollutants washed into streams by runoff.
- **F.** Storm drainage systems shall be provided in order to permit unimpeded flow of natural watercourses except as modified by stormwater detention facilities or open channels consistent with this article.
- **G.** Storm drainage facilities and appurtenances shall be so designed and constructed as to minimize erosion at discharge points and in watercourse channels.

§ 170-6. Stormwater management watersheds.

Lower Paxton Township is hereby divided into three stormwater management watersheds: Paxton Creek, Spring Creek and Beaver Creek. The map indicating the watershed boundaries is available for inspection at the township offices.

§ 170-7. Stormwater management districts.

- **A.** Districts.
 1. Three types of stormwater management districts are identified within the municipality. They are:
 - **(a)** Specified release rate districts. For all districts in this category, the future runoff must be controlled to the specified release rate. That is, the post-development runoff rate must be less than or equal to the post-development rate multiplied by the specified release rate for that district.
 - **(b)** Provisional no detention districts. These districts may discharge post-development peak runoff without detention facilities. However, the developer must prove that the local runoff conveyance facilities which transport runoff from the site to the main channel have adequate capacity to safely transport unattenuated increased peak flows for a twenty-five-year storm in accordance with § 170-7B(8). If there is inadequate capacity, the developer shall either use one-hundred-percent release rate control or provide increased capacity of downstream drainage facilities to convey increase peak flows consistent with § 170-7B(8). When

determining if adequate capacity exists in the local watershed drainage network, the developer must assume that the entire local watershed is developed per current zoning and that all new development will use the least restrictive runoff controls specifier by this article.

- **(c)** Standard release rate district. Any area of the township which is not contained within a specified release rate district or a provisional no detention district shall be identified as a standard release rate district. For all areas within this district, the post-development runoff rate must be less than or equal to the pre-development rate for each of the two-year, ten-year and five-year return period storms.
- 2. The stormwater management districts for the Paxton Creek Watershed are identified by the Paxton Creek Stormwater Management Plan, proved by the Pennsylvania Department of Environmental Protection on August 16, 1991.
- **B. General criteria.**
 1. The exact location of any given development site or activity regulated by this article relative to the release rate district boundaries shall be determined by mapping the release rate district boundaries using two-foot topographic contour mapping provided as part of the stormwater control plan specified in § 170-9 of this article.
 2. For a proposed development site located entirely within one release rate district, the runoff from each discharge point shall meet the required release rate criteria.
 3. For a proposed development site which is located within two or more release rate districts, the maximum runoff discharged at any point shall be equal to the release rate for the district in which the discharge point is located. In the event that a portion of the site is located in a provisional no detention area, no runoff from portions of the site located in areas subject to release rate controls may be drained to or through the provisional no detention area.
 4. Each development site shall be considered separately and shall conform to the criteria of the district to which it is located. In no case may the release rate for an area be exceeded as credit for a reduction below the criteria or any other restrictions on a separate site.
 5. In no case may a waiver be granted to exempt a proposed development from meeting the requirements of the release rate area in which the site is located, except as provided for in § 170-7B(10).
 6. Regional detention facilities will be permitted, provided that adequate conveyance is available or provided from the site to the facility. The acceptability and discharge characteristics of the facility

will be reviewed on a case-by-case basis using the calibrated Penn State Runoff Model developed for the watershed.

7. No harm option. For any proposed site in any release rate district, the applicant may use less restrictive runoff controls, including no detention, if the applicant can prove no harm (i.e., no negative downstream impacts) will result from the proposed release rate. Proof of no harm must be shown from the point of discharge, through the entire downstream network to the mouth of the entire watershed. Proof must be shown using the calculation criteria in § 170-8, if applicable. All values and analysis will be taken from the calibrated Penn State Runoff Model developed for the watershed. The burden of proof shall rest on the applicant.
 - **(a)** Attempts to prove "no harm" based upon downstream peak flow versus capacity analysis shall be governed by the following provisions:
 1. The peak flow values to be used for downstream areas for the design return period storms (two-, ten- and twenty-five-year) shall be the values from the calibrated Penn State Runoff Model for the watershed.
 2. Any available capacity in the downstream conveyance system as documented by an applicant may be used by the applicant only in proportion to his development site acreage relative to the total upstream undeveloped acreage from the identified capacity (i.e., if the site is 10% of the upstream undeveloped acreage, up to 10% of the documented downstream available capacity may be used).
 3. Applicant-proposed runoff controls which would generate increased peak flow rates at documented storm drainage problem areas would, by definition, be precluded from successful attempts to prove "no harm," except in conjunction with proposed capacity improvements for the problem areas consistent with § 170-7B(8).
 - **(b)** Any "no harm" justifications shall be submitted by applicant as part of the drainage plan submission per § 170-9.
8. An downstream capacity analysis conducted in accordance with this article shall use the following criteria for determining adequacy for accepting increased peak flow rates:
 - **(a)** Natural or man-made channels or swales must be able to convey the increased twenty-five-year return period runoff peak within their banks or otherwise not create any hazard to persons or property.

- **(b)** Culverts, bridges, storm sewers or any other facilities which must pass or convey flows from the tributary area must have sufficient capacity to pass or convey the increased flows associated with the twenty-five-year return period runoff event, except for facilities located within a designated floodplain area which must, at a minimum, conform to FEMA and local floodplain ordinance requirements. Also, any persons planning to construct, maintain, enlarge or abandon any obstruction (bridge, channel, channel change, etc.) that will affect a watercourse, its one-hundred-year floodway or any lake, pond, reservoir, swamp, marsh or wetland must obtain a DEP permit in accordance with Chapter 105 and 106 and, at a minimum, meet the DEP design requirements. All stormwater management facilities that qualify as a dam under PADEP Chapter 105 shall be designed in accordance with Chapter 105 and meet the regulations of Chapter 105 concerning dam safety.
9. Capacity improvements may be provided as necessary to permit direct discharge in a provisional no detention district, to implement any regional or subregional detention alternatives or to implement a "no harm" option which proposes specific capacity improvements to document the validity of a less stringent discharge control which would not create any harm downstream.
 10. Control waiver. Any proposed activity regulated by or subject to restrictions of this plan which would create 5,000 square feet or less of additional impervious cover shall not be required to adhere to the provisions of this plan. However, runoff from the site must be controlled so that the rate of discharge does not increase over the present condition. Development which is planned to occur in stages or phases will be considered in its entirety for the purposes of determining exemption. Waivers shall not be provided for any diversion of watercourses or watersheds.
 11. Stormwater runoff from all contributing drainage areas shall be considered in design of detention/retention facilities.

§ 170-8. Design criteria.

- **A.** Design storm. All controls designed to meet the requirements of this article for any release rate shall meet the applicable release rate criteria for each of the two-year, ten-year and twenty-five-year return period storms.
- **B.** Hydrographs. Hydrographs for all development activities shall be calculated by the following methods:

Size of Area	Twenty-Four-Hour
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**Rainfall Depth
(inches)**

Less than 10 acres	Modified Rational Method
10 to 20 acres	Modified Rational Method SCS Soil-Cover-Complex Method
Greater than 20 acres	SCS Soil-Cover-Complex Method

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- **C.** For any storage facility intended to meet the requirements of this article, the design of the facility shall be verified by routing the future two- , ten- , twenty-five- and one-hundred-year hydrographs through the facility using the storage indication method or modified PULS method.
- **D.** For all detention or retention facilities constructed in compliance with this article, an emergency spillway must be provided to safely pass the one-hundred-year storm with one foot of freeboard between the maximum pool elevation and the top of the embankment.
- **E.** Design rainfall shall be determined using the Pennsylvania Department of Transportation intensity-duration-frequency curves for Region Four as follows:
 1. Soil-Cover-Complex Method. The Soil Conservation Service Type II twenty-four-hour rainfall distribution shall be used with the following rainfall depths:

Return Period	Twenty-Four-Hour Rainfall Depth (inches)
Two-year	3.0
Ten-year	4.6
Twenty-five year	5.5
One- hundred-year	7.4

2. Rational Method. The appropriate time of concentration and return period shall be used to determine the rainfall intensity.
- **F.** Runoff coefficients for the rational method shall be determined using the table in Appendix A.
 - **G.** "Existing conditions" are defined as the land use present at the time of a specific stormwater control plan submittal or construction. For

- computation purposes, meadow or good woods/forest shall be used for existing pervious condition. For existing areas consisting of a combination of pervious and impervious cover, either a composite of meadow, good woods/forest and impervious/parking shall be used or the various pre-computed composite covers for developed areas shall be used.
- **H.** Runoff curve numbers for the SCS Soil Cover-Complex Method shall be determined using the tables in Appendix A.
 - **I.** Basins may be required to be fenced with a six-foot-high fence of a material acceptable to the township. The township shall make the decision to require fencing based on potential hazards at the site such as detention versus retention capability, slope, depth of water and length of detention time.
 - **J.** The maximum height of any slope which is part of a basin shall be eight feet. Basin slopes shall not be steeper than three to one.
 - **K.** On any site where the required storage capacity for the twenty-five-year storm is determined to be 5,000 cubic feet or less, the method of storage shall be by underground facility.
 - **L.** A low flow channel and underdrain shall be provided in detention basins from each point of inflow to the outlet facility.
 - **M.** Street drainage facilities.
 1. Facilities shall be designed to prevent discharge of excess runoff onto adjacent properties.
 2. The minimum design criteria shall be a ten-year storm with a five-minute duration. If a five-minute storm duration results in a pipe size exceeding 30 inches, the time of concentration approach may be used in determining storm duration. Higher frequency conditions shall be used where an overflow would endanger public or private property.
 3. Drainage calculation shall be made by the Rational Method.
 4. Street drainage will not be permitted to cross intersections or the crown of the road.
 5. Maximum spacing of street inlets shall not exceed 600 feet.
 6. All pipe ends shall be provided with either reinforced concrete headwalls or pipe end sections.
 7. Minimum pipe size shall be 18 inches in diameter. A minimum pipe size of 12 inches in diameter is permitted on private property which receives no off-site drainage.
 8. All street inlets shall be the combination type following PennDOT standards for the Type C inlet with a ten-inch curb reveal. Inlet tops shall be cast in place reinforced concrete or precast concrete.
 9. All springs, roof leaders, foundation drains and sump pump discharges shall be collected, conveyed and discharged so as not to flow in the streets. Discharge points must be set back a minimum of 10 feet from the property line.

10. When material for storm drain systems is not specified, PennDOT specifications will govern.
 11. Pipes shall be designed so as to provide a minimum velocity of 2 1/2 feet per second when conveying the design discharge.
 12. Minimum slope of pipes shall be 0.35%.
 13. A rip-rap apron shall be provided at all surface discharge points in order to minimize erosion. Rock and apron sizes shall be designed to accommodate the anticipated velocity and discharge.
 14. Underdrains or combination storm sewer and underdrain shall be provided at low points and other areas as dictated by proven engineering principles and design judgments.
 15. Pavement base drains shall be provided in cut areas, toe of slope areas and other areas as dictated by proven engineering principles and design judgments.
- **N.** Drainage easements. Drainage easements shall be provided along all areas where stormwater runoff from land development is proposed. The easements shall run from the origin of such facilities through all areas of a project where pipes, swales or natural watercourses exist. In the event that runoff from a project will be discharged to other than a natural watercourse on an adjoining property, appropriate easement agreements shall be executed by the applicant with adjoining property owners. The width of the easement shall be adequate to provide maintenance on the drainage facilities. In no case shall any drainage easement be less than 20 feet in width.
 - **O.** At all points of concentrated flow discharge from a site, an adequate channel must be provided downstream of the point of discharge to accommodate the flows from the facility so as to prevent damage to adjacent properties. If an adequate channel is not provided, the point of discharge shall be piped to a point where an adequate channel exists.
 - **P.** All land development projects shall be designed and constructed in order to provide proper drainage of stormwater runoff. All lot and open areas shall be designed to drain to the nearest practical street or drainage system with minimal impact on adjoining properties

§ 170-9. Plan requirements.

- **A.** General requirements. Prior to the final approval of subdivision or land development plans, the issuance of any permit or the commencement of any land disturbance activity, the developer, owner, subdivider or a designated entity for such shall submit a stormwater control plan for the regulated activity to the township for approval.
- **B.** No exemptions from compliance to this article shall be granted except for those provided for in § 170-7B(10).
- **C.** Plan contents. The following items shall be included in the stormwater control plan:
 1. General.

- **(a)** General description of project.
 - **(b)** General description of stormwater controls during and after development.
 - **(c)** Project schedule (including start and completion dates).
 - **(d)** Qualifications of those who prepared the plan.
2. Maps of the project area showing:
- **(a)** Project location shall be indicated relative to roads, municipal boundaries or other easily identified landmarks.
 - **(b)** Existing contours at two-foot intervals. In areas of slope greater than 15%, five-foot intervals may be used.
 - **(c)** Streams, lakes, ponds or other bodies of water within the project area or which will be affected by runoff from the project.
 - **(d)** Existing drainage swales or channels and areas of natural vegetation to be preserved.
 - **(e)** Location of existing and proposed utilities, sewers and waterlines.
 - **(f)** An overlay showing soil types and boundaries.
 - **(g)** Proposed changes to land surface and cover.
 - **(h)** Areas to be cut or filled.
 - **(i)** Proposed buildings, structures, roads and other paved or impervious areas.
 - **(j)** Final contours at two-foot intervals. In areas of slope greater than 15%, five-foot contour intervals may be used.
3. Stormwater management controls.
- **(a)** All stormwater management controls must be shown on a map and described, including:
 1. Groundwater recharge methods, such as infiltration pits, if used. If these methods are used, the location of the septic tank infiltration areas and wells must be shown.
 2. Other control devices or methods.
 3. [Schedule for installation of all stormwater control devices and measures.
 - **(b)** All calculations, assumptions and criteria used in the design of the control methods, devices and measures must be clearly shown.
 - **(c)** Plan submission.
 1. Three copies of the stormwater control plan shall be submitted to the township for review. One copy of the approved plan will remain on the construction site.
 2. The stormwater control plan shall be accompanied by the required fee as provided for in § 170-12 of this article.
 - **(d)** Plan approval.

1. The township shall review the stormwater control plan and recommend approval or disapproval, based on the stormwater control plan's consistency and compliance with this article.
2. The township shall notify the applicant, in writing, of approval or disapproval of the stormwater control plan within 60 days of receipt of a completed plan.
3. If a plan is determined to be incomplete, it shall be returned to the applicant within 10 days of such determination with a list or description of elements necessary for completion.
4. If a plan is disapproved, the written notification shall include reasons for disapproval and a list or description of plan's deficiencies.
5. Failure of the township to render a decision within the sixty-day time period following submission of a completed plan shall constitute approval.
6. Within 10 days of approval of any stormwater control plan, the applicant shall forward to the County Conservation District the following:
 - **[a]** A location map at a scale of one inch equals 1,000 feet or larger showing project location and site boundaries. This map may be a legible photocopy of plans submitted for approval.
 - **[b]** An information sheet describing project location, type of development (i.e., residential, commercial, etc.), total new impervious area to be created, control facilities or strategies to be used.

5. **(e)** Modification of plans.

1. Modification to an approved stormwater control plan involving a change in control methods, techniques or facilities or a relocation or redesign of control measures, which is necessary because soils or other conditions are found to be different than stated on the approved application, shall be approved by the procedure outlined in § 170-9D of this article.
2. The township shall determine if modifications are needed and shall notify the applicant of that determination.
3. Notification of required modifications shall be in writing and shall list or describe the reasons for requiring modification.
4. The township shall determine if the regulated activity governed by a stormwater control plan which requires

modification may or may not proceed until required plan modifications are complete.

§ 170-10. Construction criteria.

- **A.** All materials, workmanship and methods of work shall comply with the current Pennsylvania Department of Transportation Publication 408, Specifications, and Publication 72, Roadway Construction Standards, and shall be considered to be incorporated into this article as if copied in full. In the event that a conflict arises between the requirements of this article and the PennDOT specifications or standards, the Township Engineer shall resolve the difference, and his opinion shall be binding.
- **B.** Pipes. All pipes used in the storm drainage system shall be corrugated high-density polyethylene, corrugated metal pipe (galvanized steel or aluminum alloy) or reinforced concrete from a PennDOT approved manufacturer.
- **C.** Springs.
 1. In the event that underground or surface springs are encountered during construction, the township shall be notified immediately. The permittee shall propose corrective measures for draining the area, subject to approval of the township.
 2. All springs or wet areas encountered during construction shall be adequately drained and piped to the nearest storm drainage system or adequate channel.

§ 170-11. Inspection schedule.

- **A.** The township shall have the authority to inspect all phases of the installation of the permanent stormwater control facilities and at the completion of such facilities.
- **B.** If at any stage of the activity regulated by this article the township determines that the permanent stormwater control facilities are not being installed in accordance with the approved stormwater control plan, the township shall suspend any existing permits until such time that the installation of such facilities is brought into compliance with the approved plan.
- **C.** For regulated activity scheduled for completion in stages or phases, no work shall begin on any subsequent stage until the preceding stage has been inspected and approved by the township. It is the applicant's responsibility to notify the township of anticipated completion dates.

§ 170-12. Establishment of fee and covered expenses.

A fee shall be established by the township to defray costs for stormwater control plan review and processing, and may include but not be limited to:

- **A.** The review of the stormwater control plan by the township.
- **B.** Site and control inspection for compliance with approved plan during the regulated activity and upon completion of the regulated activity.
- **C.** Any additional costs incurred to enforce plan provisions, to correct violations or to otherwise ensure the completion of the approved stormwater control plan in compliance with this article.

§ 170-13. Facilities dedicated to the township.

- **A.** Maintenance guaranties. As a condition for approval of a stormwater control plan, the township shall require the applicant to provide documented financial security, in a form approved by the township for maintenance guaranties, as follows:
 1. Construction maintenance. The township shall require the posting of a bond to insure that the structural integrity and functioning of stormwater control facilities are in compliance with the design specifications for such facilities as included in the approved stormwater control plan. The bond shall be posted for a period not to exceed 18 months from the date of acceptance of dedication. The amount of the bond shall not exceed 15% of the actual cost of installation of the facilities.
 2. If associated with a subdivision or land development, required improvement guaranties shall conform to the applicable subdivision and land development regulations of the township.
- **B.** Requirements for dedication.
 1. Upon installation and completion of all required improvements in a manner satisfactory to the township as evidenced by a report from the Township Engineer, the developer shall make a written offer of dedication to the township of all facilities intended for public use. The written offer of dedication shall include the following:
 - **(a)** Deed of dedication for the parcels being dedicated to the township.
 - **(b)** Release of liens from all companies involved in the construction of facilities being dedicated to the township.
 - **(c)** Two copies of the as-built drawings of the facilities to be dedicated to the township.
 - **(d)** Financial security in the form of a letter of credit from a federal or commonwealth chartered lending institution authorized to do business in Pennsylvania payable to the township to secure the structural integrity and functionality of facilities being dedicated to the township. The letter of credit shall be in the amount of 15% of the actual cost of the dedicated facilities for a period of 18 months.
 - **(e)** Inspection report from the Township Engineer documenting compliance with township regulations.

2. All facilities must be accessible by township personnel and equipment via public right-of-way or easement.

§ 170-14. Maintenance by private entity.

- **A.** Where permanent stormwater control facilities serving one or more lots are owned by a private entity (for example, a homeowners' association), that entity shall be responsible for maintenance.
- **B.** The township may require entry into a legally binding agreement between the private entity and the township which provides for all permanent stormwater control facilities under the ownership of the private entity. The agreement may also provide for reasonable inspections of the facilities by the township.

§ 170-15. Maintenance by individual lot owners.

- **A.** When stormwater control facilities are located on an individual lot, maintenance of such facilities shall be the responsibility of the individual lot owner. A description of the facility and the terms of the required maintenance shall be incorporated as part of the deed to such property.
- **B.** The township reserves the right for reasonable inspection of such facilities.
- **C.** If it is determined that such facilities are not properly maintained, have been altered, removed or bypassed or otherwise are not functioning as required, the property owner shall be notified of necessary remedial measures and given a reasonable amount of time to implement such measures. If remedial action is not taken by the property owner within the specified time period, the township may cause the action to be taken and lien all costs against the property.

§ 170-16. Township rights.

- **A.** The township reserves the right to enter into agreements, to require maintenance agreements or proof thereof or to make any other requirements or take any other measures which are reasonable and necessary to ensure the proper maintenance of stormwater control facilities.
- **B.** The township reserves the right to reasonably inspect all stormwater control facilities to ensure proper maintenance and functioning.

§ 170-17. Safety.

- **A.** The township may require any reasonable safety measures deemed necessary to protect the public health and welfare. These measures may include but are not limited to requiring fencing or establishing design standards for incorporation into this article or separate design standards.

- **B.** The township may require a safety plan or description of safety measures be included in the stormwater control plan outlined in § 170-9.
- **C.** The township reserves the right to inspect all facilities to ensure safety measures are installed and functioning properly.

§ 170-18. Enforcement; violations and penalties.

- **A.** Right of entry. Upon presentation of proper credentials, the township may enter upon any property within the township at reasonable times to investigate, inspect or ascertain the installation, functioning, condition or any other aspect of the property in relation to the provisions of this article.
- **B.** Notification.
 1. If it is determined that the owner, developer, builder or any designee established by such has failed to comply with the provisions of this article or that any work being completed in compliance with this article or in conformity with the approved stormwater control plan for the site required by § 170-9 is not installed as designed, is not functioning or in any other way fails to comply with this article or the approved stormwater control plan, the township shall provide written notification of the nonconformity or violation. Such notification shall describe the violation or nonconformity and establish a time limit for the correction of such.
 2. If the required remedial measures are not taken within the specified time period, the owner, developer, builder or designee shall be subject to the penalties provided for in § 170-18C of this article or any other penalties provided for in other township ordinances.
- **C.** Penalties. Any person, firm or corporation who or which violates or permits a violation of this article, upon being found liable therefor in a civil enforcement proceeding, shall pay a fine of not more than \$600, plus all court costs, including reasonable attorney's fees, incurred by the township in the enforcement of this article. No judgment shall be imposed until the date of the determination of the violation by the District Justice and/or Court. If the defendant neither pays nor timely appeals the judgment, the township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day a violation exists shall constitute a separate offense. Further, the appropriate officers or agents of the township are hereby authorized to seek equitable relief, including injunction, to enforce compliance herewith

§ 170-19. Abrogation and greater restrictions.

This article supersedes any ordinances of the township currently in effect with respect to stormwater management, including subdivision and land development ordinances. However, all other ordinances and regulations shall remain in full force and effect to the extent that those provisions are more restrictive.

§ 170-20. Township liability.

The degree of stormwater management sought by the provisions of this article is considered reasonable for regulatory purposes. This article shall not create liability on the township, the Dauphin County Conservation District or any officer, engineer or employee thereof for any stormwater management or related damages that result from reliance on this article or any administrative decision lawfully made thereunder.

§ 170-21. Purpose.

The purpose of this article shall be to control accelerated erosion and the resulting sediment pollution to waters of this commonwealth that occur on earthmoving sites within Lower Paxton Township.

§ 170-22. Authority.

The Pennsylvania Municipalities Planning Code, Act 247 of July 31, 1968, as amended December 28, 1988 by P.L. 1329, and the Second Class Township Code has authorized that the governing body of each municipality may regulate subdivision and land development. Additional authority is granted in Chapter 102, Erosion and Sediment Pollution Control of the Administrative Code, Title 25 Rules and Regulations, of the Department of Environmental Protection authorized under the authority of the Clean Streams Law, the Act of June 22, 1937, P.L. 1987, as amended.

§ 170-23. Applicability.

It shall be unlawful for any person(s), landowner, business or corporation to undertake any earth disturbance activities without developing, implementing and maintaining erosion and sediment pollution control measures and facilities that effectively minimize accelerated erosion and prevent sediment pollution to the waters of this commonwealth. Any earth disturbance activity in excess of 20,000 square feet requires a written and/or graphic erosion and sediment pollution control plan. The conditions, standards and exceptions from which an erosion and sediment pollution control plan must be developed, reviewed and approved are as listed herein:

- **A.** The erosion and sediment pollution control plan must be developed in accordance with the Department of Environmental Protection's Chapter 102 regulations (explanation of Chapter 102 regulations as required for plan preparation is available in an Erosion and Sediment Pollution Control Program Manual at the Dauphin County Conservation District). Such a plan shall be reviewed and approved by the Dauphin County Conservation District prior to the start of any earth disturbance activity. The township will not issue any required permits or permit earth disturbance to begin until

written documentation of Conservation District approval is provided to the township.

- **B.** The township may require plan development and approval for earth disturbance activities of less than 20,000 square feet where the earth disturbance will occur within close proximity of a watercourse, on slopes of 15% or greater, adjacent to or in an environmentally sensitive area or wetland, in a drainageway or when other site conditions exist which may cause sediment pollution to the waters of the commonwealth.
- **C.** On all sites where earth disturbance is 25 acres or greater, an earth disturbance permit issued by the Department of Environmental Protection Bureau of Soil and Water Conservation is required. No permits will be issued by the township until the earth disturbance permit is granted.
- **D.** Erosion and sediment pollution control plans will not be required for agricultural operations such as plowing, tilling and agricultural conservation practices when completed in accordance with a conservation plan approved by the Dauphin County Conservation District.

§ 170-24. Definitions.

Definitions of terms used in this article may be found in Chapter 203, Zoning and Land Use.

§ 170-25. Administration.

Applications for approval of an erosion and sediment pollution control plan under the requirements of this article shall be made by completing all required spaces on the Dauphin County Conservation District Standard Application and Tracking Form and forwarding the form to the Dauphin County Conservation District. Application and Tracking Forms may be obtained at the township office or the Dauphin County Conservation District Office during normal business hours.

§ 170-26. Fees.

Fees for the review of the erosion and sediment pollution control plan that will be charged by the Dauphin County Conservation District are listed on the Application and Tracking Form. Anyone requiring an explanation of district charges for plan reviews should contact the District for such information.

§ 170-27. Enforcement.

The Dauphin County Conservation District is hereby authorized and directed to conduct both routine and emergency site inspections of ongoing earthmoving operations within the municipal boundaries of Lower Paxton Township to establish compliance with the erosion and sediment pollution control program. Upon presentation of proper credentials, duly authorized representatives of Lower Paxton Township and/or the Dauphin County Conservation District shall

not be denied access to the site to inspect earth disturbance activities or suspected earth disturbance activities.

§ 170-28. Violations and penalties.

- **A.** All violations of the approved erosion and sediment pollution control plan determined during a site inspection by the District shall be listed on a Department of Environmental Protection standard inspection report which itemizes the following items for each violation:
 1. Specific type of violation, including location and scope.
 2. Provides a period of time during which the persons(s) responsible for the earthmoving activity may voluntarily correct the violations.
- **B.** The completed inspection report shall be signed by the inspector and person responsible for the earthmoving activity or a designated representative and a copy provided to the latter party and Lower Paxton Township.

§ 170-29. Enforcement remedies.

Should the person(s) responsible for undertaking the earthmoving operations fail to meet the deadline for correcting violations, as specified in the official inspection report, the Department of Environmental Protection and the Dauphin County Conservation District are authorized by this article and the Clean Streams Law to take formal enforcement actions to compel compliance with Chapter 102 regulations. Additionally, the township may issue a stop-work order to force the owner/developer to cease any on site construction activity of any nature except as required to bring the earth disturbance activity into compliance with the erosion and sediment pollution control plan. Such a stop-work order shall remain in effect until corrective measures have been instituted to the satisfaction of Lower Paxton Township and the Dauphin County Conservation District.

§ 170-30. Abrogation and greater restrictions.

This article supersedes any ordinances of the township currently in effect with respect to erosion and sediment pollution controls, including subdivision and land development ordinances. However, all other ordinances and regulations shall remain in full force and remain effective to the extent that those provisions are more restrictive.

§ 170-31. Township liability.

The degree of erosion and sediment pollution control sought by the provisions of this article is considered reasonable for regulatory purposes. This article shall not create liability on the township, the Dauphin County Conservation District or any officer, engineer or employee thereof for any erosion, sedimentation or related

damages that result from reliance on this article or any administrative decision lawfully made thereunder.